

# GALISTEO BASIN ARCHAEOLOGICAL SITES PROTECTION ACT

NOVEMBER 4, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,  
submitted the following

## R E P O R T

[To accompany H.R. 506]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 506) to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Galisteo Basin Archaeological Sites Protection Act”.

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) these resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) these resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

### SEC. 3. GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—Except as provided in subsection (d), the following archaeological sites located in the Galisteo Basin in the State of New Mexico, totaling approximately 4,591 acres, are hereby designated as Galisteo Basin Archaeological Protection Sites:

Name	Acres
Arroyo Hondo Pueblo .....	21
29-006	

Name	Acres
Burnt Corn Pueblo .....	110
Chamisa Locita Pueblo .....	16
Comanche Gap Petroglyphs .....	764
Espinosa Ridge Site .....	160
La Cienega Pueblo & Petroglyphs .....	126
La Cienega Pithouse Village .....	179
La Cieneguilla Petroglyphs/Camino Real Site .....	531
La Cieneguilla Pueblo .....	11
Lamy Pueblo .....	30
Lamy Junction Site .....	80
Las Huertas .....	44
Pa'ako Pueblo .....	29
Petroglyph Hill .....	130
Pueblo Blanco .....	878
Pueblo Colorado .....	120
Pueblo Galisteo/Las Madres .....	133
Pueblo Largo .....	60
Pueblo She .....	120
Rote Chert Quarry .....	5
San Cristobal Pueblo .....	520
San Lazaro Pueblo .....	360
San Marcos Pueblo .....	152
Upper Arroyo Hondo Pueblo .....	12
Total Acreage .....	4,591

(b) AVAILABILITY OF MAPS.—The archaeological protection sites listed in subsection (a) are generally depicted on a series of 19 maps entitled “Galisteo Basin Archaeological Protection Sites” and dated July, 2002. The Secretary of the Interior (hereinafter referred to as the “Secretary”) shall keep the maps on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(c) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments to the archaeological protection sites by publishing notice thereof in the Federal Register.

(d) WITHDRAWAL OF PRIVATE PROPERTY.—Upon the written request of an owner of private property included within the boundary of an archaeological site protected under this Act, the Secretary shall immediately remove that private property from within that boundary.

#### SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary shall—

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 3 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3 shall be made only by an Act of Congress.

#### SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—

(1) The Secretary shall administer archaeological protection sites located on Federal land in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(2) The Secretary shall have no authority to administer archaeological protection sites which are on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary and the landowner.

(3) Nothing in this Act shall be construed to extend the authorities of the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act to private lands which are designated as an archaeological protection site.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of—

- (A) the archaeological protection sites located on Federal land; and
- (B) for sites on State or private lands for which the Secretary has entered into cooperative agreements pursuant to section 6 of this Act.

(2) CONSULTATION.—The general management plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

#### SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with owners of non-Federal lands with regard to an archaeological protection site, or portion thereof, located on their property. The purpose of such an agreement shall be to enable the Secretary to assist with the protection, preservation, maintenance, and administration of the archaeological resources and associated lands. Where appropriate, a cooperative agreement may also provide for public interpretation of the site.

#### SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, including access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein with the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange, except that State trust lands may only be acquired by exchange.

#### SEC. 8. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the archaeological protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

#### SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed—

(1) to authorize the regulation of privately owned lands within an area designated as an archaeological protection site;

(2) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands;

(3) to modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(4) to restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

#### PURPOSE OF THE BILL

The purpose of H.R. 506 is to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 506 designates 24 sites in the Galisteo Basin as the Galisteo Basin Archaeological Protection Sites comprising approximately 4,591 acres. These sites contain the ruins of Indian pueblos dating back almost 900 years. When Spanish conquistadores first entered what is now New Mexico in 1541, they encountered a thriving Pueblo culture, with its own traditions of religion, architecture, and art, influenced through an extensive trade system. These pueblos remained occupied up through the Pueblo revolt in 1680. When the Spanish returned to the area several years later, the sites were deserted, ending a period of over 700 years of continuous use. Included among the sites that would be protected under the legislation are the largest pueblo ruins ever discovered.

H.R. 506 authorizes the Secretary of the Interior to enter into cooperative agreements with affected landowners to protect the re-

sources. The bill directs the Secretary to prepare a general management plan for the identification, research, protection, and public interpretation of sites located on federal land as well as for other sites for which the Secretary has entered into a cooperative agreement. The Secretary is further authorized to acquire lands within the sites, with the “consent of the owner thereof,” by purchase, donation, or exchange.

#### COMMITTEE ACTION

H.R. 506 was introduced by Congressman Tom Udall (D-NM) on January 29, 2003. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On October 29, 2003, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute to address property rights concerns. Specifically, the amendment: (1) mandated that private landowners located within the boundaries of these archaeological sites have their property removed upon written request to the Secretary, and (2) struck the authorization of appropriation. The amendment was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3, of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office (CBO) enactment of this bill could result in foregone receipts, but CBO estimates “that any foregone offsetting receipts would be negligible.”

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 31, 2003.*

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 506, the Galisteo Basin Archaeological Sites Protection Act.

If you wish further details on the estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Megan Carrol.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 506—Galisteo Basin Archaeological Sites Protection Act*

CBO estimates that implementing H.R. 506 would not significantly affect the federal budget. The bill could affect direct spending, but we estimate that any such effects would be negligible. H.R. 506 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 506 would designate 24 sites in New Mexico as the Galisteo Basin Archaeological Protection Sites. The bill would direct the Secretary of the Interior, in consultation with state and local entities, to develop a management plan for those sites, but it specifies that the Secretary would only have authority to administer federal lands within them. H.R. 506 would authorize the Secretary, at the request of nonfederal landowners, to enter into cooperative agreements with those landowners to protect and manage archaeological resources on their lands. The bill also would authorize the Secretary to acquire such lands from willing sellers. Finally, H.R. 506 would withdraw federal lands within the proposed sites from programs to develop geothermal and mineral resources.

Based on information obtained from the Bureau of Land Management (BLM), CBO estimates that the agency would spend less than \$500,000 annually to develop a management plan, implement cooperative agreements, and acquire nonfederal lands, assuming appropriation of the necessary amounts. Withdrawing federal lands from programs to develop certain resources could result in forgone receipts (a credit against direct spending) if, under current law, the lands would generate income from such activities. According to BLM, however, the federal lands within the proposed sites currently generate no significant receipts and are not expected to do

so over the next 10 years; hence, we estimate that any forgone offsetting receipts would be negligible.

On February 7, 2003, CBO transmitted a cost estimate for S. 210, the Gallisteo Basin Archaeological Sites Protection Act, as ordered reported by the Senate Committee on Energy and Natural Resources on February 5, 2003. The two versions of the legislation are very similar, and our cost estimates are identical.

The CBO staff contacts for this estimate are Deborah Reis and Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

